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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,017	04/02/2004	Henry L. Collins IV	SWING-105	2766
7590	11/23/2005		EXAMINER GEHMAN, BRYON P	
Robert K. Tendler 65 Atlantic Avenue Boston, MA 02110			ART UNIT 3728	PAPER NUMBER
DATE MAILED: 11/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/817,017	Applicant(s) COLLINS, HENRY L.	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 4, "said front cover" is indefinite, as "a front and back cover" in line 2 fails to define a "front cover". In lines 4-5, "the aperture" lacks antecedent basis, as the covers are insufficiently defined to provide an aperture.

In claim 3, line 3, "said slot slidably restraining said strap" is indefinite, as insufficient structure is recited to enable a slot to restrain a strap. A slot per se will not in and of itself restrain a strap. See also claim 14, wherein the "prevented" step lacks sufficient structure defined for such to occur.

In claim 6, "said elastic member" lacks antecedent basis from parent claim 1.

In claim 10, line 4, "the front cover" lacks antecedent basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Elsner (1,923,081) and Knee (2,727,549) in view of Wentz (932,205).

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Elsner and Knee each disclose an apparatus for securing the covers of an expandable book, comprising a book (10; 10; respectively) having a front cover (12; 26) and a back cover (11; 28), and a strap (36; 30) having a distal end secured to the back cover and a proximal end releasably securable to the front cover to secure the covers to one another. Wentz discloses a spring-loaded strap (21-25) to secure the covers of a book structure to one another. To modify the strap of either one of Elsner and Knee employing the spring-loaded strap of Wentz would have been obvious in order to extend the strap for ease of securing to the front cover.

As to claims 6 and 9, Wentz discloses an elastic member comprising a web, the web providing the strap with its extensible feature.

5. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Elsner (1,923,081) and Knee (2,727,549) in view of Nash (2,651,346). Elsner and Knee each disclose an apparatus for securing the covers of an expandable book, comprising a book (10; 10; respectively) having a front cover (12; 26) and a back cover (11; 28), and a strap (36; 30) having a distal end secured to the back cover and a proximal end releasably securable to the front cover to secure the covers to one another. Nash discloses a spring-loaded strap (58-72) to secure the covers of a book structure to one another. To modify the strap of either one of Elsner and Knee employing the spring-loaded strap of Nash would have been obvious in order to extend the strap for ease of securing to the front cover.

As to claims 2, 6-7 and 9, Nash discloses an elastic member (62) including a web at the distal end of the strap providing the extensible quality of the strap.

As to claims 3-5, Nash further discloses a slot (68) in a back cover with a T-shaped detent (at 72).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 7 above, and further in view of Christiansen. Nash already discloses stitching the elastic web to the apparatus. To employ double stitching to provide the securing between the web and the strap would have been obvious in order to reinforce the securement, in the manner of reinforcing disclosed by Christiansen.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Elsner and Knee in view of Wentz. To merely provide the structural combination of either one of Elsner and Knee employing the spring-loaded strap of Wentz has been explained above.

8. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Elsner and Knee in view of Nash. To merely provide the structural combination of either one of Elsner and Knee employing the spring-loaded strap of Nash has been explained above.

As to claims 11 and 13, Nash discloses a structural arrangement wherein the spring-loading structure is hidden.

As to claims 12 and 14, Nash discloses a slot (68) disposed in a back cover that assists only in part in preventing the spring-loaded portion to exit the slot.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Combs (6,186,332) in view of Wentz. Combs discloses a CD holder comprising an expandable book (80) having leaves (10) therein provided with CD receiving pockets, the book having front and back covers (85, 85) and a strap (90). Wentz discloses a spring-loaded strap (21-25) to secure the covers of a book structure to one another. To modify the strap of Combs employing the spring-loaded strap of Wentz would have been obvious in order to extend the strap for ease of securing to the front cover.

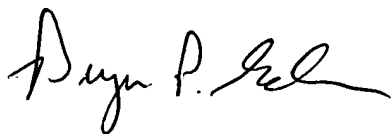
10. Claim 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Combs in view of Nash. Nash discloses a spring-loaded strap (58-72) to secure the covers of a book structure to one another. To modify the strap of Combs employing the spring-loaded strap of Nash would have been obvious in order to extend the strap for ease of securing to the front cover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name being the most prominent.

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG